

REMARKS

Reconsideration and withdrawal of the objections and rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application in condition for allowance. Applicants acknowledge with appreciation the indication by the Examiner that claims 2-8 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

I. STATUS OF CLAIMS AND FORMAL MATTERS

Claims 1-11 are now pending. Claims 1 and 2 are amended, without prejudice, without admission, without surrender of subject matter, and without any intention of creating any estoppel as to equivalents. This Amendment cancels non-elected claims 12 to 21 without prejudice or the intention of creating estoppel. Applicants reserve the right to file a divisional application directed to this subject matter.

No new matter is added by this amendment.

It is submitted that these claims are patentably distinct from the prior art cited by the Examiner, and that these claims are in full compliance with the requirements of 35 U.S.C. §112. The amendments and remarks herein are not made for the purpose of patentability within the meaning of 35 U.S.C. §§ 101, 102, 103 or 112; but rather the amendments and remarks are made simply for clarification and to round out the scope of protection to which Applicants are entitled. Support for the amended recitations in the claims is found throughout the specification and from the pending claims.

Claim 2 has been rewritten in independent form substantially incorporating the elements of claim 1. As the examiner has indicated that claim 2 contains allowable subject matter, it is

respectfully requested that claim 2 be allowed. Further, claims 3-8, which depend directly or indirectly from claim 2, are allowable therewith.

II. OBJECTIONS

Claim 1 was objected to for reciting a method step in an apparatus claim. The amendment to claim 1 renders the objection moot.

Consequently, reconsideration and withdrawal of the objection to claim 1 is respectfully requested.

III. 35 U.S.C. § 102 REJECTION

In an Advisory Action, mailed May 12, 2004, the Examiner continues to reject claims 1 and 9-11 as being anticipated over Reimers (U.S. Patent No. 6,550,410). It is the Examiner's position that strip (210) is considered part of the tubular structure and that at positions where no strip is present the outer edge of the structure is defined by the outer edge of a fabric segment, but at positions where the strip overlaps the fabric segment, then the outer edge of the tubular structure is defined by the outer edge of the strip. (*Advisory Action* at 2) The Examiner concedes that Reimers does not show a string on one side of the fabric segments: "[t]he claims recite the string is on one side of the tubular structure, not one side of the fabric segments." (*Id.*).

Claim 1 has been amended to recite the means for securing the first and second upright members is only affixed either on the inside or on the outside of the first and second segments.

Because Reimers does not disclose each and every element of claim 1 and its dependent claims 9-11, the 102 rejection based on Reimers cannot stand.

Consequently, reconsideration and withdrawal of the § 102 rejection is believed to be in order and such actions are respectfully requested.

The Assistant Commissioner is authorized to charge any additional fee, or credit any overpayment, to Deposit Account No. 50-0320.

CONCLUSION

By this Preliminary Amendment, the application is in condition for allowance and a Notice of Allowance is earnestly solicited.

Respectfully submitted,
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